

**SUPREME COURT MINUTES
WEDNESDAY, FEBRUARY 14, 2007
SAN FRANCISCO, CALIFORNIA**

S130495**MASTERS (JARVIS J.) ON H.C.**

Order to show cause issued.

The Director of Corrections and Rehabilitation is ordered to show cause before this court, when the matter is placed on calendar, why petitioner is not entitled to relief because (1) material false evidence was admitted at the guilt phase of his trial; (2) newly discovered evidence casts fundamental doubt on the prosecution's guilt-phase case; (3) petitioner's trial was fundamentally unfair because prosecution witness Rufus Willis' testimony was unreliable due to improper coercion by the prosecution, (4) the prosecution violated *Brady v. Maryland* (1963) 373 U.S. 83 by failing to disclose the promises of leniency to prosecution witness Bobby Evans and other facts bearing on Evans' credibility that have come to light after the judgment was imposed, (5) the prosecution knowingly presented the false testimony of Bobby Evans, (6) petitioner's trial was fundamentally unfair because Bobby Evans' testimony was unreliable due to improper coercion by the prosecution, (7) material false evidence-the testimony of Johnny Hoze-was admitted at the penalty phase regarding petitioner's participation in the murder of David Jackson; and (8) newly discovered evidence regarding Hoze's testimony casts fundamental doubt on the accuracy and reliability of the penalty-phase proceedings, as alleged in Claims II, III, and V of the petition. The return must be filed in this court on or before March 16, 2007.

Kennard and Werdegar, JJ., would issue the order to show cause on the additional ground that newly discovered evidence regarding Hove's testimony casts fundamental doubt on the accuracy and reliability of the penalty-phase proceedings, as alleged in Claims II, III, and V of the petition.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S141480**MARTINEZ (OMAR FUENTES)
ON H.C.**

Order to show cause issued.

The Director of the Department of Corrections and Rehabilitation is ordered to show cause in this court, when the matter is placed on calendar, why the relief prayed for should not be granted on grounds that (1) this court is bound by the judgment of the International Court of Justice in *Avena and Other Mexican Nationals (Mex. v. U.S.)* 2004 I.C.J. 1 (Mar. 31) either under the Supremacy Clause (U.S. Const., art. VI, cl. 2), and/or in light of the Presidential Directive issued on February 28, 2005, directing the courts of the United States to give effect to the *Avena* decision under general principles of comity, and, pursuant to that decision, to (2) grant review and reconsideration of petitioner's conviction and sentence, by way of an evidentiary hearing, on whether petitioner suffered actual prejudice as a result of the violation of his rights under Article 36 of the Vienna Convention on

Consular Relations, April 24, 1963, 21 U.S.T. 77, as alleged in the petition for writ of habeas corpus filed April 27, 2005. The return shall be filed on or before March 16, 2007.

Votes: George, C. J., Kennard, Werdegar, and Moreno, JJ.

S148536 B189791 Second Appellate District, Div. 3 **PEOPLE v. SEGURA (LUIS GREGORIO)**

Petition for review granted. (criminal case)

Votes: George, C. J., Baxter, Werdegar, Moreno, and Corrigan, JJ.

S146979/S147030 A112003 First Appellate District, Div. 3 **BRODIE (STAN) v. W.C.A.B. (CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT)**

The above-entitled cases are consolidated.

S147030 C051263/ C051894/ C051409/ C051790 Third Appellate District **WELCHER (KENNETH DEE) v. W.C.A.B. (HAT CREEK CONSTRUCTION, INC.)**

The above-entitled cases are consolidated.

S148460 D047251 Fourth Appellate District, Div. 1 **PEOPLE v. DARLING (JAMES)**

Review granted/briefing deferred (8.512(d)(2) criminal case). Respondent's petition for review granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Licas*, S140032 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Appellant's petition for review denied.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S148670 B180930 Second Appellate District, Div. 1 **PEOPLE v. TORRES (JAVIER)**

Review granted/briefing deferred (8.512(d)(2) criminal case). Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S148944 E039298 Fourth Appellate District, Div. 2 **PEOPLE v. ADAME (JOSEPH HERNANDEZ)**

Review granted/briefing deferred (8.512(d)(2) criminal case). Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S149273 C051859 Third Appellate District **PEOPLE v. STAFFORD (CHARLES ANTHONY)**

Review granted/briefing deferred (8.512(d)(2) criminal case). Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S149299 H030128 Sixth Appellate District **PEOPLE v. VEST (DAVID ALLAN)**

Review granted/briefing deferred (8.512(d)(2) criminal case). Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Crandell*, S134883 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S149312 B184949 Second Appellate District, Div. 4 **PEOPLE v. STANCH (TREYVON MARQUEST)**

Review granted/briefing deferred (8.512(d)(2) criminal case). Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S149318 C051810 Third Appellate District**PEOPLE v. HERNANDEZ
(ARMONDO PADILLA)**

Review granted/briefing deferred (8.512(d)(2) criminal case). Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S149343 H029793 Sixth Appellate District**PEOPLE v. GUTIERREZ
(OSCAR)**

Review granted/briefing deferred (8.512(d)(2) criminal case). Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Crandell*, S134883 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S149345 B190876 Second Appellate District, Div. 5**PEOPLE v. CABRERA
(ROGELIO)**

Review granted/briefing deferred (8.512(d)(2) criminal case). Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S149358 H029544/H029834 Sixth Appellate District**DAVIS (FORTUNATA MARY) v.
W.C.A.B. (ALLIED SECURITY)**

Review granted/briefing deferred (8.512(d)(2) civil case). Further action in this matter is deferred pending consideration and disposition of a related issue in *Brodie v. W.C.A.B.*, S146979 and *Welcher v. W.C.A.B.*, S147030 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S149366 B186551 Second Appellate District, Div. 6 **PEOPLE v. CONTRERAS
(SILVIANO)**

Review granted/briefing deferred (8.512(d)(2) criminal case). Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S149387 B189967 Second Appellate District, Div. 3 **PEOPLE v. BARRIOS (ADRIAN)**

Review granted/briefing deferred (8.512(d)(2) criminal case). Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S149408 H029253 Sixth Appellate District **PEOPLE v. TAYLOR (DENNIS)**

Review granted/briefing deferred (8.512(d)(2) criminal case). Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S149410 H030153 Sixth Appellate District **PEOPLE v. ROMEO (ROBERTO
DOMENICO)**

Review granted/briefing deferred (8.512(d)(2) criminal case). Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Crandell*, S134883 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Gorge, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S149421 F049775 Fifth Appellate District**PEOPLE v. GOMEZ (ENRIQUE RUDY)**

Review granted/briefing deferred (8.512(d)(2) criminal case). Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S149486 E039509 Fourth Appellate District, Div. 2**PEOPLE v. CORONA (JAIME V.)**

Review granted/briefing deferred (8.512(d)(2) criminal case). Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S149566 G035837 Fourth Appellate District, Div. 3**PEOPLE v. WILSON (RICHARD LEON)**

Review granted/briefing deferred (8.512(d)(2) criminal case). Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S148643 B194894 Second Appellate District, Div. 3**MELLENDEZ (SALVADOR PATRICK) v. S.C. (PEOPLE)**

Review granted; transferred to CA 2/3 to issue alt. writ. The matter is transferred to the Court of Appeal, Second Appellate District, Division Three, with directions to vacate its order denying mandate and to issue an alternative writ to be heard before that court when the proceeding is ordered on calendar on the following questions: (1) Whether defendant was required to obtain a certificate of probable cause within the meaning of Penal Code section 1237.5; and (2) if so, whether a certificate of probable cause should have been issued. (See *People v. Mendez* (1999) 19 Cal.4th 1084, 1095; *People v. Hoffard* (1995) 10 Cal.4th 1170, 1178-1179; *People v. Holland* (1978) 23 Cal.3d 77, 84; see also *People v. Vera* (2004) 122 Cal.App.4th 970, 977-978; *People v. Osorio* (1987) 194 Cal.App.3d 183, 186-187; but see *People v. Emery* (2006) 140 Cal.App.4th 560, 564-566.)

Votes: George, C. J., Kennard, Baxter, Werdegarr, Moreno, and Corrigan, JJ.

S150023 B195439 Second Appellate District, Div. 6**GOULD (MICHAEL AND LYNDIA), MARRIAGE OF**

Review granted on court's own motion; transferred to CA 2/6. At the request of the Court of Appeal, review is granted on this court's own motion. The cause is transferred to the Court of Appeal, Second Appellate District, Division Six, with directions to vacate its order of dismissal and reconsider the matter as it sees fit.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S134243 B170355 Second Appellate District, Div. 6 **PEOPLE v. THOMA (WILLIAM LOUIS)**

Transferred to CA 2/6 after hold. The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, Division Six, with directions to vacate its decision and to reconsider the cause in light of *People v. Trujillo* (2006) 40 Cal.4th 165. (Cal. Rules of Court, rule 8.528(d).)

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S147282 **THOMSON ON DISCIPLINE**

Petition for writ of review denied. It is hereby ordered that THOMAS NEIL THOMSON, State Bar No. 48785, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court and to perform the acts specified in paragraphs (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S148201 D049287 Fourth Appellate District, Div. 1 **HAMMONS (JEFFREY) ON H.C.**
Petition for review denied.

S148209 D045941 Fourth Appellate District, Div. 1 **PEOPLE v. RAMIREZ (GUILLERMO)**

Petition for review & depublication request denied.

S148330 A109403 First Appellate District, Div. 3 **PEOPLE v. JENKINS (CORY)**
Petition for review denied.

S148343 C054123 Third Appellate District **YONAI (JASON DAVID) v. S.C. (PEOPLE)**

Petition for review denied.

- S148350** B183049 Second Appellate District, Div. 8 **PATCHETT (THOMAS) v. BERGAMOT STATION, LTD.**
Petition for review & depublication request denied.
Chin, J., is of the opinion the petition should be granted.
- S148358** C054119 Third Appellate District **YONAI (JASON DAVID) ON H.C.**
Petition for review denied.
- S148361** B193007 Second Appellate District, Div. 5 **PEOPLE v. S.C. (D.)**
Petition for review denied.
Werdegar and Moreno, JJ., are of the opinion the petition should be granted.
- S148385** B183120 Second Appellate District, Div. 8 **PEOPLE v. BERINTI (STEVE MARTIN)**
Petition for review denied.
- S148453** A110370 First Appellate District, Div. 4 **PEOPLE v. POINDEXTER (MAURICE)**
Petition for review denied.
- S148455** A115250 First Appellate District, Div. 1 **BIGGS (JEFFREY J.) ON H.C.**
Petition for review denied.
Kennard, Werdegar, and Moreno, JJ., are of the opinion the petition should be granted.
- S148470** B194387 Second Appellate District, Div. 6 **GARY (LOUIS) ON H.C.**
Petition for review denied.
- S148541** C053999 Third Appellate District **YONAI (JASON DAVID) ON H.C.**
Petition for review denied.
- S148557** A110408 First Appellate District, Div. 5 **PEOPLE v. DALERIO (MICHAEL GIOVANNI)**
Petition for review denied.

S148621 D049295 Fourth Appellate District, Div. 1
Petition for review denied.

GILMORE (ALLAN T.) ON H.C.

S148627 C051105 Third Appellate District
Petition for review denied.

**PEOPLE v. GARCIA
(FRANCISCO SALVADOR)**

S148633 H028577 Sixth Appellate District
Petition for review denied.

**PEOPLE v. MOLEA, JR. (JOHN
GENE)**

S148647 B186798 Second Appellate District, Div. 6
Petition for review denied.

**PEOPLE v. TARTAGLIONE
(WILLIAM DANA)**

S148650 B184948 Second Appellate District, Div. 3
Petition for review denied.

P. (CARLEISHA), IN RE

S148652 A115544 First Appellate District, Div. 2
Petition for review denied.

**SCOTT (PAUL ANDREW) v. S.C.
(PEOPLE)**

S148658 G035729 Fourth Appellate District, Div. 3
Petition for review denied.

**PEOPLE v. RODRIGUEZ
(OSCAR)**

S148662 F050866 Fifth Appellate District
Petition for review denied.

CRUZ (ALFREDO H.) ON H.C.

S148689 E039874 Fourth Appellate District, Div. 2
(CHARLOTTE)
Petition for review denied.

PEOPLE v. ROSS

S148692 D046530 Fourth Appellate District, Div. 1

Petition for review denied.

**PEOPLE v. BERRYMAN
(WARREN LAMAR)**

S148709 C051874 Third Appellate District

Petition for review denied.

**PEOPLE v. DISNEY (RANAE
DAWN)**

S148711 F047205 Fifth Appellate District

Petition for review denied.

**PEOPLE v. WALSH (ROBERT
MICHAEL)**

S148723 B185618 Second Appellate District, Div. 7

Petition for review denied.

**PEOPLE v. OBESO
(GUADALUPE VASQUEZ)**

S148730 D045872 Fourth Appellate District, Div. 1

Petition for review denied.

**PEOPLE v. ADAME
(CHRISTOPHER)**

S148733

Petition for writ of mandate is denied as moot.

**SOUKUP (PEGGY J.) v. CA 2/5
(LAW OFFICES OF HERBERT
HAFIF)**

S148749 B184034 Second Appellate District, Div. 5

Petitions for review & publication request denied.

**LOS ANGELES, COUNTY OF v.
CALIFORNIA STATE WATER
RESOURCES CONTROL
BOARD**

S148762 H029646 Sixth Appellate District

Petition for review denied.

**PEOPLE v. BARAJAS
(KRISTINA LYNN)**

S148821 H029123 Sixth Appellate District
(STERLING)

Petition for review denied.

PEOPLE v. BROWN

S148850 D047577 Fourth Appellate District, Div. 1
Petition for review denied.

PEOPLE v. DUBY (ELLIE)

S148857 C052420 Third Appellate District

**NELSON (D. J.) v. S.C. (EXXON
MOBIL CORPORATION)**

Application to appear as counsel pro hac vice granted. Application for stay and petition for review denied.

Kennard, Baxter, and Chin, JJ., were recused and did not participate.

S148867 E039011 Fourth Appellate District, Div. 2

**PEOPLE v. KARANDOS (ERIC
MICHAEL)**

Petition for review denied.

S148872 B194994 Second Appellate District, Div. 1

**POWDERMET, INC. v. S.C.
(BAKER)**

Petition for review denied.

S148893 H030614 Sixth Appellate District

**COSTELLA (DAVID LOUIS) ON
H.C.**

Petition for review denied.

S148907 H030226 Sixth Appellate District

**VERISIGN, INC. v. S.C.
(SOUTHEAST TEXAS MEDICAL
ASSOCIATES, LLP)**

Petition for review denied. Applications to appear as counsel pro hac vice granted.

S148915

**YONAI (JASON) v. SUPREME
COURT (PEOPLE)**

Petition for writ of habeas corpus is denied. (See *In re Miller* (1941) 17 Cal.2d 734.) Document entitled petition for writ of mandate is deemed a petition for writ of habeas corpus.

S148925

Petition for writ of mandate/prohibition denied.

**WASHINGTON (RODERICK) v.
CA 5 (PEOPLE)****S148928**

B186563 Second Appellate District, Div. 2

Petition for review denied.

**PEOPLE v. ALVAREZ
(EUSEBIO)****S149030**

E037582 Fourth Appellate District, Div. 2

Petition for review denied.

**PEOPLE v. GONZALEZ (JESSE
MARTIN)****S149055**

D046086 Fourth Appellate District, Div. 1

Petition for review denied.

**BROWN (DAVID S. AND
KATHRYN E. M.), MARRIAGE
OF****S149097**

B190440 Second Appellate District, Div. 1

Petition for review denied.

**WEISSBURG (DIANE B.) v. LOS
ANGELES CIVIL SERVICE
COMMISSION****S149101**

F051695 Fifth Appellate District

Petition for review denied.

BAUGH (MICHAEL) ON H.C.**S149107**

B191173 Second Appellate District, Div. 7

Petition for review denied.

K. (MATTHEW), IN RE**S149109**

B184545 Second Appellate District, Div. 4

Petition for review denied.

**NIJJAR (MIKE) v. MITTAL
(RAM)**

S149111 B187951 Second Appellate District, Div. 1

**ESTRADA (ANTHONY) v.
FEDEX GROUND PACKAGE
SYSTEM, INC.**

Petition for review denied.

S149128 A115637 First Appellate District, Div. 1

**WHITAKER (FRED A.) v. S.C.
(ANDRONICO'S**

MARKETS)

Petition for review denied.

S149129 B188698 Second Appellate District, Div. 5

**PEOPLE v. WYRICK
(RAYSHUN)**

Petition for review denied.

S149140 B187299 Second Appellate District, Div. 7

**TAYLOR (ERIC) v. CITY OF
LOS ANGELES DEPARTMENT
OF WATER & POWER**

Petition for review & depublication request denied.

S149161 B184947 Second Appellate District, Div. 2

PEOPLE v. GRANT (COLIN)

Petition for review denied.

S149164 B183950 Second Appellate District, Div. 7

**CORNERSTONE OIL
COMPANY v. STOCKER
RESOURCES AND PLAINS
EXPLORATION AND
PRODUCTION COMPANY**

Petition for review denied. The request for an order directing publication of the opinion is denied.

- S149180** H029741 Sixth Appellate District **ROSENVICK, INC. v. MORTGAGETREE LENDING**
Petition for review denied.
- S149190** B188997 Second Appellate District, Div. 1 **FERRER (ALEX E.) v. PRESTON (ARNOLD M.)**
Petition for review denied.
- S149191** B185348 Second Appellate District, Div. 7 **PEOPLE v. HO (JOHN ALEX)**
Petition for review denied.
- S149227** B189905 Second Appellate District, Div. 3 **A. (E. AND O.), IN RE**
Petition for review denied.
- S149231** A114968 First Appellate District, Div. 1 **WOLFE (BURTON H.) v. SHEA (CRISTINA M.)**
Petition for review and application for stay denied.
- S149246** C049917 Third Appellate District **BENT (EDWARD) v. RIVERGATE COMMONS**
Petition for review denied.
- S149253** B174420/B177716 Second Appellate District, Div. 2 **KOHAP, LTD. v. OH (WON KYUNG)**
Petition for review denied. The request for an order directing publication of the opinion is denied.
- S149276** **PEOPLE v. RUKA (BRUCE)**
Petition for writ of error *corum vobis* is denied. Penal Code sections 667, subdivision (b)(5), and 1170.12(a)(5) impose the same limit on the award credits whether a prisoner has one strike or two.
- S149283** H029672 Sixth Appellate District **PEOPLE v. MILLER (TIMOTHY DESMOND)**
Petition for review denied.

S149290 C048078 Third Appellate District

Petition for review denied.

PEOPLE v. MITCHELL (MARY ANNE)

S149295 A111970 First Appellate District, Div. 2

Petition for review denied.

FAERBER (RAINER JOACHIM) v. HYDE LAW CORPORATION

S149305 B184770 Second Appellate District, Div. 6

Petition for review denied.

PEOPLE v. ZENDEJAS (ANTHONY MICHAEL)

S149308 G034969 Fourth Appellate District, Div. 3

Petition for review denied.

PEOPLE v. ROBINSON (SHERRI YVONNE)

S149310 C048999 Third Appellate District

Petition for review denied.

MOORE (THOMAS EUGENE) v. SACRAMENTO REGIONAL TRANSIT DISTRICT

S149326 D047261 Fourth Appellate District, Div. 1

Petition for review denied.

CITY OF SAN DIEGO LIFEGUARD SERVICE v. RILEY (DONALD J.)

S149334 D049501 Fourth Appellate District, Div. 1

Petition for review denied.

ALBERTSON'S, INC. v. S.C. (WILCOX)

- S149340** B189672 Second Appellate District, Div. 2 **PEOPLE v. SALGADO (CARLOS)**
Petition for review denied.
- S149355** A112944 First Appellate District, Div. 1 **PEOPLE v. HARPER (WILLIAM)**
Petition for review denied.
- S149369** B188700 Second Appellate District, Div. 8 **PEOPLE v. POWELL (GEORGE ALEXANDER)**
Petition for review denied.
- S149373** F050152 Fifth Appellate District **PEOPLE v. GARZA (MICHAEL GUERRERO)**
Petition for review denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Alford*, S142508.
- S149374** A116249 First Appellate District, Div. 5 **ROSENBALM (VINCENT) ON H.C.**
Petition for review denied.
- S149378** C047678 Third Appellate District **CASSIDY (PATRICK A.) v. CASSIDY (TIMOTHY F.)**
Petition for review denied.
- S149381** A116260 First Appellate District, Div. 5 **ROSENBALM (VINCENT) ON H.C.**
Petition for review denied.
- S149389** E040556 Fourth Appellate District, Div. 2 **W. (T.), IN RE**
Petition for review denied.

S149392	B188757 Second Appellate District, Div. 3	PEOPLE v. HEMPHILL (BILLY R.)
Petition for review denied.		
S149399	E041900 Fourth Appellate District, Div. 2	HAMILTON (PAUL C.) ON H.C.
Petition for review denied.		
S149404	A111006 First Appellate District, Div. 3	PEOPLE v. WRIGHT (MICHAEL JAMES)
Petition for review denied.		
S149409	B189946 Second Appellate District, Div. 8	PEOPLE v. MILO, JR. (MARK STANFORD)
Petition for review denied.		
S149414	E038967 Fourth Appellate District, Div. 2	PEOPLE v. BELTZ (RICK JAMES)
Petition for review denied.		
S149415	A114552 First Appellate District, Div. 1	PEOPLE v. GIVAN (JEFFREY DEAN)
Petition for review denied.		
S149424	F049905 Fifth Appellate District	B. (JAMES), IN RE
Petition for review denied.		
S149425	C051088 Third Appellate District	PEOPLE v. DEHERRERA (DAVID PAUL)
Petition for review denied.		
S149426	H029723 Sixth Appellate District	PEOPLE v. PATLAN (JERRY EDDIE)
Petition for review denied.		

S149433	C054527 Third Appellate District	YONAI (JASON DAVID) v. S.C. (PEOPLE)
Petition for review denied.		
S149436	A116207 First Appellate District, Div. 5	ROSENBALM (VINCENT) ON H.C.
Petition for review denied.		
S149469	C054526 Third Appellate District	YONAI (JASON DAVID) v. S.C. (PEOPLE)
Petition for review denied.		
S149504	F049978 Fifth Appellate District	G. (RUBY), IN RE
Petition for review denied.		
S149505	E038607 Fourth Appellate District, Div. 2	H. (L.), IN RE
Petition for review denied.		
S149536	E039777 Fourth Appellate District, Div. 2	B. (KELLI), IN RE
Petition for review denied.		
S149547	G037890 Fourth Appellate District, Div. 3	A.P. INVESTMENTS, INC. v. S.C. (GAUTAM, INC.)
Petition for review denied.		
S149567	B186557 Second Appellate District, Div. 5	PEOPLE v. BURNETT (JAMES)
Petition for review denied.		
S149569	C054494 Third Appellate District	YONAI (JASON DAVID) v. S.C. (PEOPLE)
Petition for review denied.		
S149583	C054525 Third Appellate District	YONAI (JASON DAVID) ON H.C.

Petition for review denied.

S149746 G037137 Fourth Appellate District, Div. 3

**HURST (RITA) v. FRAZEE
(RICHARD A.)**

Petition for review denied.

S149937 D049420 Fourth Appellate District, Div. 1

**JOHNSON (AUSTIN LIONEL)
ON H.C.**

Petition for review denied.

S149959 A116185 First Appellate District, Div. 2

**WAHID (MOHAMED) v. S.C.
(NATIONS FOOD SERVICE,
INC.)**

Petition for review and application for stay denied.

S150004 C054686 Third Appellate District

**BARKUS (JASON LAMAR) v.
S.C. (PEOPLE)**

Petition for review and application for stay denied.

S150012 B196084 Second Appellate District, Div. 6

**JENSEN (HUGH ALEX) v. S.C.
(PEOPLE)**

Petition for review and application for stay denied.

S150020 A116532 First Appellate District, Div. 3

**LONG (MARY) v. S.C. (SUNRISE
SENIOR LIVING**

NVESTMENTS)

Petition for review and application for stay denied.

S137577

**RUIZ (RAMIRO GONZALEZ)
ON H.C.**

Petition for writ of habeas corpus denied. Request for judicial notice granted.

S137604

**MARLBROUGH (ALBERT) ON
H.C.**

Petition for writ of habeas corpus denied.

S142351

**ANDAZOLA (JUAN MANUEL)
ON H.C.**

Petition for writ of habeas corpus denied.

S142549

BODE (CLIFTON) ON H.C.

Petition for writ of habeas corpus denied. (See *In re Dexter* (1979) 25 Cal.3d 921; *In re Muszalski* (1975) 52 Cal.App.3d 500.)

S143213

**HOLMES (DEVELLE A.) ON
H.C.**

Petition for writ of habeas corpus denied.

S143718

**OLIVARES (FRANCISCO) ON
H.C.**

Petition for writ of habeas corpus denied.

S143983

**WHITE (ROBERT JONATHAN)
ON H.C.**

Petition for writ of habeas corpus denied.

S144216

ON

**THOMPSON (DEMONTRAY)
H.C.**

Petition for writ of habeas corpus denied.

S144826

THOMAS (RAHSAAN) ON H.C.

Petition for writ of habeas corpus denied.

S145003**GALVAN (MIGUEL) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S145014**BARLOW (ANTHONY Q.) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S145015**METZLER (DANIEL EDWARD) ON H.C.**

Petition for writ of habeas corpus denied.

S145091**ADAMS (MICHAEL ROBERT) ON H.C.**

Petition for writ of habeas corpus denied.

S145123**HOANG (CHAM) ON H.C.**

Petition for writ of habeas corpus denied.

S145158**ALLISON (DENZIL F.) ON H.C.**

Petition for writ of habeas corpus denied.

S145358**WILLIAMS (BENNY) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750.)

S145394**FALZONE (JOSEPH A.) ON H.C.**

Petition for writ of habeas corpus denied.

S145400**RUCKER (CAROLE ANN) ON H.C.**

Petition for writ of habeas corpus denied.

S145430**WELCH (EUGENE EVERETT)
ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

S145444**FOSTER (RONALD) ON H.C.**

Petition for writ of habeas corpus denied.

S145448**TISINO (HENRY) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218.)

S145451**MOORE (THOMAS EUGENE)
ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S145471**JACKSON (STEPHEN) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Lessard* (1965) 62 Cal.2d 497, 503; *In re Dixon* (1953) 41 Cal.2d 756.)

S145478**PROCTOR (BILL JAMES) ON
H.C.**

Petition for writ of habeas corpus denied.

S145491**THABET (HAFED) ON H.C.**

Petition for writ of habeas corpus denied.

S145499**HERNANDEZ (EDWARD B.) ON
H.C.**

Petition for writ of habeas corpus denied.

S145514**SIMMONS (MELVIN JOSEPH)
ON H.C.**

Petition for writ of habeas corpus denied. Petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

George, C. J., was recused and did not participate.

S145517**PERKINS (MICHAEL) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Miller* (1941) 17 Cal.2d 734.)

S145532**GARREN (PAUL LEE) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S145533**NELSON (RICHARD ALLEN)
ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Dixon* (1953) 41 Cal.2d 756; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S145565**BUTLER (DANNIE LEE) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S145582**MORELAND (DESMOND) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)

S145609**LOPEZ (JOSE CARLOS) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S145611

Petition for writ of habeas corpus denied.

**LAMARR (CLARK ANTHONY)
ON H.C.****S145613**

Petition for writ of habeas corpus denied.

**BUCKHANA (DARRYL W.) ON
H.C.****S145633**

Petition for writ of habeas corpus denied.

BORQUEZ (ANGEL) ON H.C.**S145666**

Petition for writ of habeas corpus denied.

GONZALES (RICKY) ON H.C.**S145688**

Petition for writ of habeas corpus denied.

CORTEZ (JOEL) ON H.C.**S145689**Petition for writ of habeas corpus denied. (See *In re Lindley* (1947) 29 Cal.2d 709; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**MARTIN (LEE) ON H.C.****S145696**Petition for writ of habeas corpus denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)**STEEN (KEVIN NEAL) ON H.C.****S145698****ON**Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dixon* (1953) 41 Cal.2d 756.)**FOUNTAIN, JR. (ERNEST R.)
H.C.**

S145715**ROUNDTREE (EMMANUEL) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Dixon* (1953) 41 Cal.2d 756.)

S145737**MOORE (ANTHONY TONY) ON
H.C.**

Petition for writ of habeas corpus denied.

S145738**BLACKWELL (ERNEST) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

S145860**MEDINA (MARIO) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

S145876**FOSTER (RONALD P.) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S145884**FAIRBANKS (BYRON M.) ON
H.C.**

Petition for writ of habeas corpus denied.

S145903**HOOKS (MARCUS J.) ON H.C.**

Petition for writ of habeas corpus denied.

S146021**MOORE (THOMAS EUGENE)
ON H.C.**

Petition for writ of habeas corpus denied.

S146048**VELLA (JOHN ANTHONY) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

S146089**PEARSON (WALTER LEE) ON H.C.**

Petition for writ of habeas corpus denied.

S147632**FAIRBANKS (BYRON) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S148169**VELLA (JOHN ANTHONY) ON H.C.**

Petition for writ of habeas corpus denied.

S148507**MILLION (CHARLIE LEE) ON H.C.**

Petition for writ of habeas corpus denied.

S148616**BARTOSH (DANIEL) ON H.C.**

Petition for writ of habeas corpus denied.

S148630**LOWERY (KEVIN D.) ON H.C.**

Petition for writ of habeas corpus denied.

S148632**GADDINI (NINO) ON H.C.**

Petition for writ of habeas corpus denied.

S148826**BIVINS (JOSEPH) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S148981**FOSTER (RONALD) ON H.C.**

Petition for writ of habeas corpus denied.

S149106

MILLION (CHARLIE LEE) ON H.C.

Petition for writ of habeas corpus denied. (See *In re Dexter* (1979) 25 Cal.3d 921.)

S149118

YONAI (JASON DAVID) ON H.C.

Petition for writ of habeas corpus denied. (See *In re Miller* (1941) 17 Cal.2d 734.)

S149127

JAMES)

MAGDALENO (RAMON ON H.C.

Petition for writ of habeas corpus & stay denied.

S149431

STEEN (KEVIN NEAL) ON H.C.

Petition for writ of habeas corpus denied. (See *In re Miller* (1941) 17 Cal.2d 734; *In re Clark* (1993) 5 Cal.4th 750.)

S149702

WASHINGTON (RODERICK) ON H.C.

Petition for writ of habeas corpus denied.

S149737

YONAI (JASON DAVID) ON H.C.

Petition for writ of habeas corpus denied. (See *In re Miller* (1941) 17 Cal.2d 734.)

S149766

MILLION (CHARLIE) ON H.C.

Petition for writ of habeas corpus denied.

S149787

WASHINGTON (RODERICK) ON H.C.

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)

S149826

PAYNE (GERALD J.) ON H.C.

Petition for writ of habeas corpus denied. (See *In re Wessley W.* (1981) 125 Cal.App.3d 240, 246.)

S149899

Petition for writ of habeas corpus denied.

WALKER (ANTONIO) ON H.C.**S149995**

Petition for writ of habeas corpus denied.

SOTO (WILLIAM) ON H.C.**S149195**

D048762 Fourth Appellate District, Div. 1

W. (K.), IN RE

Depublication ordered. The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed November 9, 2006, which appears at 144 Cal.App.4th 1349. (Cal. Const., art. VI, section 14; rule 8.1105(c)(1), Cal. Rules of Court.)

S142546

B178689 Second Appellate District, Div. 4

DOE (JOHN) v. CITY OF LOS ANGELES

Extension of time granted. On application of amicus curiae California Catholic Conference and good cause appearing, it is ordered that the time to serve and file its amicus curiae brief in support of Boy Scouts of America is hereby extended to February 25, 2007.

S142546

B178689 Second Appellate District, Div. 4

DOE (JOHN) v. CITY OF LOS ANGELES

Extension of time granted. The application of Roman Catholic Archbishop of Los Angeles for permission to file an amicus curiae brief in support of the Boy Scouts of America is hereby granted. An answer thereto may be served and filed by any party within twenty days of the filing of the brief.

S142635**REED (STEPHEN C.) ON H.C.**

Extension of time granted. On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response to the petition is extended to March 9, 2007.

S145458

C048825 Third Appellate District

PEOPLE v. CHANCE WAYNE)**(KENNETH**

Extension of time granted to March 5, 2007, to file answer brief on the merits.

S148863**PEOPLE v. FRAZIER (ROBERT WARD)**

Extension of time granted. Good cause appearing therefore, in light of the fact that the clerk's transcript exceeds 10,000 pages, the request of the superior court clerk for an extension of time to complete the clerk's transcript on appeal is granted. (See Cal. Rules of Ct., rule 8.616(d)(1),(2).) The superior court clerk is directed to complete the clerk's transcript on appeal on or before March 19, 2007, and to notify the Clerk of this court in writing as soon as the transcript is completed.

S148029 F048115 Fifth Appellate District

PEOPLE v. LENIX (ARTHUR LOURDES)

Counsel appointment order filed. Upon request of appellant for appointment of counsel, A.M. Weisman is hereby appointed to represent appellant on the appeal now pending in this court. Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date of this order.

S148845 C050785 Third Appellate District

PEOPLE v. FRENCH (WESLEY DAVID)

Counsel appointment order filed. Upon request of appellant for appointment of counsel, the Central California Appellate Program is hereby appointed to represent appellant on the appeal now pending in this court. Appellant's brief on the merits must be served and filed on or before February 28, 2007.

S130495

MASTERS (JARVIS) ON H.C.

Order filed. The order filed on February 14, 2007, issuing an order to show cause is hereby amended to read in its entirety; The Director of Corrections and Rehabilitation is ordered to show cause before this court, when the matter is placed on calendar, why petitioner is not entitled to relief because (1) material false evidence was admitted at the guilt phase of his trial; (2) newly discovered evidence casts fundamental doubt on the prosecution's guilt-phase case; (3) petitioner's trial was fundamentally unfair because prosecution witness Rufus Willis' testimony was unreliable due to improper coercion by the prosecution, (4) the prosecution violated *Brady v. Maryland* (1963) 373 U.S. 83 by failing to disclose the promises of leniency to prosecution witness Bobby Evans and other facts bearing on Evans' credibility that have come to light after the judgment was imposed, (5) the prosecution knowingly presented the false testimony of Bobby Evans, (6) petitioner's trial was fundamentally unfair because Bobby Evans' testimony was unreliable due to improper coercion by the prosecution, (7) material false evidence-the testimony of Johnny Hoze-was admitted at the penalty phase regarding petitioner's participation in the murder of David Jackson; and (8) newly discovered evidence regarding Hoze's testimony casts fundamental doubt on the accuracy and reliability of the penalty-phase proceedings, as alleged in Claims II, III, and V of the petition. The return must be filed in this court on or before March 16, 2007.

Kennard and Werdegar, JJ., would issue the order to show cause on the additional grounds that newly presented evidence establishes petitioner is actually innocent of the crimes for which he was

convicted and that his execution would violate the federal Constitution because he is actually innocent, as alleged in Claim II.

S137422 E034205 Fourth Appellate District, Div. 2 **PEOPLE v. RODGERS (OTIS LEE)**

Order filed. Appellant's motion to expand issues on review is hereby denied.

S140547 A104828 First Appellate District, Div. 5 **ENVIRONMENTAL
PROTECTION INFORMATION
CENTER v. CALIFORNIA
DEPARTMENT OF FORESTRY
& FIRE PROTECTION
LUMBER COMPANY)**

(PACIFIC

Order filed. The court is in receipt of a notice from real parties in interest and appellants that a bankruptcy petition has been filed. Such notice operates as an automatic stay in this proceeding and the applicable time periods of rule 8.512(b) of the California Rules of Court are hereby suspended. Counsel for the real parties in interest and appellants is directed to file quarterly reports with the Clerk of this court regarding the status of this bankruptcy action. At such time as this court receives proper notice terminating or granting relief from the bankruptcy stay of proceedings, the court will enter an order terminating the suspension of the applicable time periods of rule 8.512(b) and aid time periods shall begin running anew from the date of that order.

S146706 **MITCHELL ON RESIGNATION**

Order filed. Having been notified by the State Bar that ROBERT EDWARD MITCHELL, State Bar number 27043, was deceased as of October 26, 2006, the order filed herein on September 26, 2006, is vacated nunc pro tunc.

S069685**PRICE (CURTIS F.) ON H.C.**

Reference hearing ordered.

THE COURT:

Based on the record in this matter and good cause appearing:

The Honorable John T. Feeney, Presiding Judge of the Superior Court of California, County of Humboldt, shall select a Judge of the Humboldt County Superior Court to sit as a referee in this proceeding and shall promptly notify this court of the referee selected. After appointment by this court, the referee shall take evidence and make findings of fact on the following questions regarding the case of *People v. Curtis F. Price* (Humboldt County Super. Ct. No. CR9898; Judge John E. Buffington):

1. During the Curtis Price trial, did then Deputy Attorney General Ronald Bass and Geri Anne Johnson together patronize the Waterfront Cafe in Eureka on an evening when Zetta Southworth was cooking at the restaurant and Robert McConkey was tending bar? If so, on approximately what date did this occur?
2. While at the Waterfront Cafe, did Bass see or directly speak to Southworth? What, if anything, did he say to her?
3. While at the Waterfront Cafe, did Bass ask McConkey to take any alcoholic drinks to Southworth? If so, did McConkey do so? If Bass did send drinks to Southworth, did he know she was an alcoholic or had an alcohol problem?
4. Did Bass give McConkey any money with the direction or request that it be conveyed to Southworth? If so, what amount of money?
5. If Bass gave McConkey money for Southworth, did McConkey give Southworth the money? Did Southworth accept it?
6. If Bass gave McConkey money for Southworth, did he ask McConkey to convey any message with the money? If so, what message?
7. Did Bass direct, request or suggest that McConkey convey money to Southworth and tell her to vote guilty in Price's trial? If so, in what tone of voice did he do so? Did his tone, gestures and other surrounding circumstances suggest that he was serious or joking?
8. If Bass directed, requested or suggested that McConkey convey money to Southworth and tell her to vote guilty, did he intend that McConkey follow that direction, request or suggestion?
9. If Bass directed, requested or suggested that McConkey convey money to Southworth and tell her to vote guilty, did McConkey think that Bass actually wanted him to do so?
10. If Bass directed, requested or suggested that McConkey convey money to Southworth and tell her to vote guilty, did McConkey do so?
11. Did Johnson tell her husband, Worth Dikeman, about encountering Southworth while at the Waterfront Café with Bass? If so, what did she tell Dikeman?

It is further ordered that the referee prepare and submit to this court a report of the proceedings conducted pursuant to this appointment, the evidence adduced, and the findings of fact made. Any requests for discovery in this matter should be addressed to the referee.

S148497**REID ON DISCIPLINE**

Recommended discipline imposed. It is ordered that NANCY WILSON REID, State Bar No. 131796, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that she be actually suspended from the practice of law for 30 days and until the State Bar Court grants a motion to terminate her actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California as recommended by the Hearing Department of the State Bar Court in its decision filed on September 19, 2006. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating her actual suspension. If respondent is actually suspended for two years or more, she must remain actually suspended until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of her actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually suspended for 90 days or more, it is further ordered that she comply with rule 9.20 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S148498

SPENCE ON DISCIPLINE

Recommended discipline imposed. It is ordered that G. BRUCE SPENCE, State Bar No. 139100, be suspended from the practice of law for three years and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for two years, as recommended by the Hearing Department of the State Bar Court in its decision filed on September 22, 2006; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California; and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for termination of his actual suspension. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court (renumbered to rule 9.20, effective January 1, 2007) and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and

Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S148761**ROBERTS IV ON DISCIPLINE**

Recommended discipline imposed. It is ordered that WALTER JAMES ROBERTS IV, State Bar No. 225339, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. Walter James Roberts IV is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed September 26, 2006, as modified by its order filed October 12, 2006. If Walter James Roberts IV did not pass the August 4, 2006, Multistate Professional Responsibility Examination, it is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and one-half of said costs be paid with membership fees for the years 2008 and 2009. It is further ordered that if Walter James Roberts IV fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S148810**ARBOLES ON DISCIPLINE**

Recommended discipline imposed. It is ordered that MONIKA MARGARITA ARBOLES, State Bar No. 170468, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that she be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on September 20, 2006, as modified by its order filed October 12, 2006. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and one-half of said costs be paid with membership fees for the years 2008 and 2009. It is further ordered that if Monika Margarita Arboles fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S148811**HILDERBRANDT ON
DISCIPLINE**

Recommended discipline imposed. It is ordered that SCOTT KENDRICK HILDEBRANDT, State Bar No. 142892, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 90 days and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California, as recommended by the Hearing Department of the State Bar Court in its decision filed on October 2, 2006, as modified by its order filed November 20, 2006. Scott Kendrick Hildebrandt is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If Scott Kendrick Hildebrandt is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that Scott Kendrick Hildebrandt take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that Scott Kendrick Hildebrandt comply with rule 955 of the California Rules of Court (renumbered to 9.20 effective January 1, 2007), and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S148892**COHEN ON DISCIPLINE**

Recommended discipline imposed. It is ordered that KENNETH E. COHEN, State Bar No. 129220, be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 60 days. Respondent is also ordered to comply with the other conditions of probation and restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed October 17, 2006. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and one-third of said costs be paid with membership fees for the next three billing cycles following the effective date of this order. It is further ordered that if Kenneth E. Cohen fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S148895**SATIN ON DISCIPLINE**

Recommended discipline imposed. It is ordered that KENNETH A. SATIN, State Bar No. 56068, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 120 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 24, 2006. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 (renumbered to rule 9.20 effective January 1, 2007) of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S148897**RIEMER ON DISCIPLINE**

Recommended discipline imposed. It is ordered that ROBERT E. RIEMER, State Bar No. 94337, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 24, 2006. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 (renumbered to rule 9.20 effective January 1, 2007) of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S149859**KERNODLE ON RESIGNATION**

Resignation accepted with disc. proceeding pending.* The voluntary resignation of RICHARD ALAN KERNODLE, State Bar No. 112513, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 9.20 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S149862**SISSELMAN ON RESIGNATION**

Resignation accepted with disc. proceeding pending.* The voluntary resignation of BARRY ALAN SISSELMAN, State Bar No. 72685, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 9.20 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S149867**JOHNSON ON RESIGNATION**

Resignation accepted with disc. proceeding pending.* The voluntary resignation of JOSEPH O. JOHNSON, State Bar No. 164844, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 9.20 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S149868**CHANEY ON RESIGNATION**

Resignation accepted with disc. proceeding pending.* The voluntary resignation of ELIZABETH ANN CHANEY, State Bar No. 100532, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should she hereafter seek reinstatement. It is ordered that she comply with rule 9.20 of the California Rules of Court and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar in accordance with Business and Professions Code Section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S149869**GOLDSTEIN ON RESIGNATION**

Resignation accepted with disc. proceeding pending.* The voluntary resignation of JEROLD VICTOR GOLDSTEIN, State Bar No. 38337, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 9.20 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar in accordance with Business and Professions Code Section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S149870**AIMAR ON RESIGNATION**

Resignation accepted with disc. proceeding pending.* The voluntary resignation of DON AIMAR, State Bar No. 73847, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 9.20 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar in accordance with Business and Professions Code Section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S149872**MOLATORE ON RESIGNATION**

Voluntary resignation accepted. The voluntary resignation of JERRY MICHAEL MOLATORE, State Bar No. 48352, as a member of the State Bar of California is accepted.

S149873**POSEY ON RESIGNATION**

Voluntary resignation accepted. The voluntary resignation of THOMAS LAWSON POSEY, State Bar No. 162460, as a member of the State Bar of California is accepted.

S149957**CHIN ON RESIGNATION**

Resignation accepted with disc. proceeding pending.* The voluntary resignation of ARNOLD CHIN, State Bar No. 95797, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 9.20 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S149958**WALLACE ON RESIGNATION**

Resignation accepted with disc. proceeding pending.* The voluntary resignation of CAROLYN JOAN WALLACE, State Bar No. 63119, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should she hereafter seek reinstatement. It is ordered that she comply with rule 9.20 of the California Rules of Court and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S150152**GAMONAL ON RESIGNATION**

Resignation accepted with disc. proceeding pending.* The voluntary resignation of ERIC HERMAN GAMONAL, State Bar No. 232229, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 9.20 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

